

**IN THE UNITED STATES BANKRUPTCY COURT
FOR EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:

KEVIN J. WRIGHT

DEBTOR

)

)

)Chapter 11

)

)Case No. 15-17104-amc

)

MOTION TO SET ASIDE SHERIFF'S SALE

AND NOW, comes the Debtor, Kevin J. Wright ("Wright") and files this Motion to Set Aside Sheriff's Sale (the "Motion") and in support thereof avers as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A). Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409. The predicates for the relief requested herein are § 105 of the Bankruptcy Code.

PARTIES

2. Movant, Kevin J. Wright ("Debtor"), is the owner of 14 Green Lane, Bristol, Pennsylvania 19007 (the "Property").

3. Respondent, the Bucks County Tax Claim Bureau (the "Bucks County"), is a municipality in Bucks County, Commonwealth of Pennsylvania is a local government entity and taxing authority which owns, operates, manages, directs, and controls the Buck's Sheriff's Department, all of which are also named as Respondents in this action.

4. Respondent Bucks County Sheriff's Office (the "Sheriff") is a municipal department which is owned, controlled, managed, and directed by Bucks County with a principal place of business at 100 N. Main Street, Floor B2, Doylestown, Pennsylvania 18901.

5. Respondent, ADR Investments, LLC (“ADR”), is a Pennsylvania limited liability company engaged in the real estate business with a principal place of business at 7998 New Falls Road, Pennsylvania 19055.

FACTS

6. On October 1, 2015, Wright filed a Chapter 11 Petition in the United States Bankruptcy Court Eastern District of Pennsylvania at case No. 15-17104-amc (the “Chapter 11 Case”).

7. Kevin J. Wright (“Debtor”) is the owner of 14 Green Lane, Bristol, Pennsylvania 19007 (the “Property”).

8. On or about September 18, 2018, the Debtor became aware that the Property was being exposed to a Bucks County Upset Tax Sale and prompted informed Michael Kaliner, Esq. (Debtor’s Bankruptcy Counsel”) of the sale.

9. Debtor’s Bankruptcy Counsel went to the Bucks County Courthouse on the Sale Date and met with John Torrente, Esquire, then Solicitor for the Bucks County Tax Claim Bureau, and advised him of the pending Bankruptcy (he seemed to already have known about it). Mr. Torrente advised Debtor’s Bankruptcy Counsel that the Property would be removed from the sale list. I did not receive any communication from the Solicitor that the sale was postponed to the November list. The current Solicitor for the Tax Claim Bureau provided me with documentation from the Tax Claim Bureau. The documents fail to reference Debtor’s bankruptcy or the reason for the postponement of the sale of the Property.¹

10. After the commencement of Debtor’s Chapter 11 case, ADR was the prevailing bidder on the Property, which Debtor then owned, at a Bucks County Upset Tax lien sale held November 15, 2018 (the “2015 Tax Sale”).

¹ See Declaration of Michael Kaliner, Esquire in support of Debtor’s Motion to Set Aside Sale attached hereto as Exhibit “A.”

RELIEF REQUESTED

11. Based upon facts and circumstances as set forth above, the Debtor submits that the Property was sold in violation of 11 U.S.C. §362.

12. Wright files the Motion for purposes of obtaining an order 1) declaring the sale void and set aside; 2) permitting this Court's order to be recorded with the City of Philadelphia Department of Records in lieu of filing a corrective deed; and 3) providing that the bid price tendered at the Upset Sale be refunded to the Purchaser.

WHEREFORE, the Debtor respectfully requests that this Court grant the Motion in accordance with the Proposed Order attached hereto.

Respectfully submitted,

THE LAW OFFICE OF MICHAEL ALAN SIDDONS, ESQUIRE

By: /s/ Michael A. Siddons

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Dated: November 17, 2021